

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Elena del Campo, et al.,

NO. C 01-21151 JW

Plaintiffs,

**ORDER DIRECTING PLAINTIFFS TO
FILE STATEMENT OF CLARIFICATION
RE: CLASS DEFINITION**

v.

American Corrective Counseling Services,
Inc., et al.,

Defendants.

The Court has taken under submission Plaintiffs' Amended Motion for Class Certification (hereafter, "Amended Motion," Docket Item No. 643) and Plaintiffs' Supplemental Motion for Class Certification (hereafter, "Supplemental Motion," Docket Item No. 684).

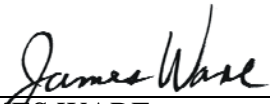
In reviewing Plaintiffs' motions, the Court has observed a discrepancy between the sub-classes Plaintiffs move to certify in the Amended Motion and those Plaintiffs seek to certify in the Supplemental Motion. Specifically, the Amended Motion describes four subclasses, including a "Misrepresentation Class," which Plaintiffs define as "[a]ll members of the Umbrella Class from whom ACCS collected money after December 11, 1999." (Amended Motion at 3.) The Amended Motion also describes a "Bank Records Class," which consists of "[a]ll members of the Umbrella Class whose bank records ACCS obtained after October 8, 2000." (*Id.*)

The Supplemental Motion, however, only describes three sub-classes and omits the "Misrepresentation Class." (Supplemental Motion at 2-3.) In addition, the Supplemental Motion redefines the operative starting date of the "Bank Records Class" to be December 11, 1999, which

1 had been the date associated with the “Misrepresentation Class” in the Amended Motion. (Id. at 3.)
2 Nonetheless, the Supplemental Motion later refers to “subclasses one through four.” (Id. at 10.)

3 The Court directs Plaintiffs to file a statement of clarification with the Court on or before
4 **October 31, 2008.**¹ In this statement, Plaintiffs shall clearly articulate the definitions of their
5 proposed Umbrella Class and any associated subclasses.

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7 Dated: October 29, 2008


JAMES WARE
United States District Judge

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26 ¹ The Court does not seek any responsive papers from Defendants on this issue because the
27 Court treats the discrepancy as a clerical error. In addition, given that both Plaintiffs' Amended
28 Motion and Plaintiffs' Supplemental Motion are still operative, the Court finds that Defendants have
had an opportunity to raise objections to the subclass at issue.

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: October 29, 2008

Richard W. Wieking, Clerk

By: /s/ JW Chambers

Elizabeth Garcia
Courtroom Deputy